

TO: Clerk's Office

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

APPLICATION FOR LEAVE  
TO FILE DOCUMENT UNDER SEAL

\*\*\*\*\*

UNITED STATES OF AMERICA

-v.-

23-MJ-00727

DAFENG YE

Docket Number

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SUBMITTED BY: Plaintiff Defendant DOJ ☒

Name: Kaitlin C. McTague

Firm Name: USAO-EDNY

Address: 271A Cadman Plaza East

Brooklyn, NY 11201

Phone Number: 718-254-6280

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INDICATE UPON THE PUBLIC DOCKET SHEET: YES NO ☒  
If yes, state description of document to be entered on docket sheet:



A) If pursuant to a prior Court Order:

Docket Number of Case in Which Entered: \_\_\_\_\_

Judge/Magistrate Judge: \_\_\_\_\_

Date Entered: \_\_\_\_\_

B) If a new application, the statute, regulation, or other legal basis that authorizes filing under seal

Ongoing investigation

ORDERED SEALED AND PLACED IN THE CLERK'S OFFICE,  
AND MAY NOT BE UNSEALED UNLESS ORDERED BY  
THE COURT.

DATED: August 10, 2023  
Brooklyn, NEW YORK

U.S. MAGISTRATE JUDGE Taryn A. Markel

RECEIVED IN CLERK'S OFFICE \_\_\_\_\_ DATE

MANDATORY CERTIFICATION OF SERVICE:

A.) \_\_\_\_\_ A copy of this application either has been or will be promptly served upon all parties to this action, B.) \_\_\_\_\_ Service is excused by 31 U.S.C. 3730(b), or by the following other statute or regulation: \_\_\_\_\_; or C.) ☒ This is a criminal document submitted, and flight public safety, or security are significant concerns. (Check one)

08/10/2023

DATE

Kaitlin C. McTague

SIGNATURE

AB:KCM

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
-----X

UNITED STATES OF AMERICA

- against -

DAFENG YE,

Defendant.

-----X

EASTERN DISTRICT OF NEW YORK, SS:

JACOB SIMKOVITZ, being duly sworn, deposes and states that he is a Postal Inspector with the United States Postal Inspection Service, duly appointed according to law and acting as such.

On or about August 9, 2023, within the Eastern District of New York, the defendant DEFANG YE did knowingly and unlawfully possess counterfeit keys suited to any lock adopted by the Postal Service for any authorized receptacle for the deposit or delivery of mail matter with the unlawful and improper intent to use the same.

(Title 18, United States Code, Section 1704)

On or about August 9, 2023, within the Eastern District of New York, the defendant DEFANG YE did knowingly and intentionally receive, conceal and unlawfully have in his possession one or more letters and items of mail, and one or more articles and things contained therein, which had been stolen, taken and abstracted from and out of one or more items of mail, post offices and stations thereof, letter boxes, mail receptacles and mail routes, and other authorized depositories for mail matter, and which had been left for collection upon and adjacent

**TO BE FILED UNDER SEAL**

**COMPLAINT AND AFFIDAVIT  
IN SUPPORT OF APPLICATION  
FOR AN ARREST WARRANT**

(18 U.S.C. § 1704, and 1708 et seq.)

Case No. 23-MJ-00727

to one or more collection boxes and other authorized depositories of mail matter, knowing the same to have been stolen, taken and abstracted.

(Title 18, United States Code, Section 1708)

The source of your deponent's information and the grounds for his belief are as follows:<sup>1</sup>

1. I am a Postal Inspector with the United States Postal Inspection Service ("USPIS") and have been involved in the investigation of numerous cases involving mail theft. I am familiar with the facts and circumstances set forth below from my participation in the investigation, my review of the investigative file and from reports of other law enforcement officers involved in this investigation.

2. On or about August 9, 2023, at approximately 2:00 a.m., law enforcement officers with the New York City Police Department ("NYPD") observed DAFENG YE ("YE") operating a moped in the vicinity of 65th Street and 14th Avenue, Kings County, without a helmet. Officers attempted to stop YE in order to issue a summons, however YE continued to drive away from the officers at a high rate of speed for several blocks. YE ultimately lost control of the moped and fell off, at which time officers apprehended YE.

3. Law enforcement officers observed and recovered three counterfeit arrow keys<sup>2</sup> and approximately 36 pieces of mail, none of which were in YE's name, on his person at the time of his arrest. YE was also found to be carrying a New York State Driver's License,

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<sup>1</sup> Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

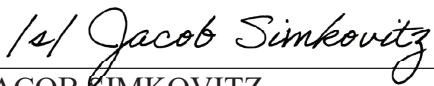
<sup>2</sup> An arrow key is a universal key that the United States Postal Service ("USPS") uses to access certain relay boxes (among other USPS boxes).

which was neither in YE's name nor featured his photograph, as well as four credit cards and one debit card, none of which were in his name.

WHEREFORE, your deponent respectfully requests an arrest warrant for the defendant DAFENG YE so that he may be dealt with according to law.

SEALING REQUEST

I request that the Court issue an order sealing, until further order of the Court, all papers submitted in support of this application, including the affidavit and arrest warrant. Based upon my training and experience, premature disclosure of the contents of this affidavit and related documents will seriously jeopardize the investigation, including by giving the defendant an opportunity to flee from prosecution, destroy or tamper with evidence, change patterns of behavior, and threaten or intimidate witnesses.

  
\_\_\_\_\_  
JACOB SIMKOVITZ  
Postal Inspector  
United States Postal Inspection Service

Sworn to before me by telephone this  
10th day of August, 2023

  
\_\_\_\_\_  
THE HONORABLE TARYN A. MERKL  
UNITED STATES MAGISTRATE JUDGE  
EASTERN DISTRICT OF NEW YORK